// THE LAW OFFICE OF RICHARD E. LERNER, P.C.

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June 29, 2016

Via ECF

Hon. Brian Cogan, USDJ
United States District Court
Eastern District of New York

Re: In re Motion for Civil Contempt 12-MC-557

FRCP 6 Request for brief enlargement by (1) Richard E. Lerner, *pro se*;
(2) Jeffrey Hoffman, Blank Rome LLP
Counsel for Mr. Oberlander

Dear Judge Cogan:

On the morning of June 10, 2016 I wrote the court per your Individual Rules for a pre-motion conference before filing certain motions. That afternoon at a status conference your honor said no such conference would be required and submission should be by June 30, 2016.

A few days before that letter, I began the process of obtaining a document from the National Archives in Washington DC as a necessary exhibit. Despite all expedition it arrived only yesterday. And I still have not yet obtained all necessary translations from proceedings in Israel. The court may be assured of absolute diligence in both areas. (The Archives document will be submitted with respect to a *brief* request to reconsider that aspect of your honor's order of June 21, 2016 that ordered that a motion filed at the U.S. Supreme Court be maintained under seal on the 12-mc-557 docket because of an erroneous representation that it was sealed at the U.S. Supreme Court. The document obtained from National Archives is that motion, which thus proves that it is public, and was made public by the U.S. Supreme Court, notwithstanding the false representations to your honor by Mr. Sater's counsel and the U.S. Attorney's office that the U.S. Supreme Court had placed it under seal and that it is not publicly available. The time to move for reconsideration of the June 21 order expires on July 5th. We request a one-day extension, to avoid the need for separate motions). (The Israeli filings are in support of a contempt motion.)

In parallel, Mr. Hoffman, who represents Mr. Oberlander, and whom your honor allowed to join in any motion submission, had an emergency in another matter this week which took time away from this matter.

Thus, and as this is a short week for our offices, both of us (Mr. Hoffman joins with me in this request) that in recognition of the importance and sophistication of what we are preparing, we be allowed three additional business days' time to prepare our submission, so it will be due on Wednesday, July 6, 2016. Finally, I am advised that Mr. Oberlander, who has been experiencing severe cardiac problems over the past year, has been unable to provide his full attention to this matter, per doctor's orders that he substantially reduce his workload.

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No other request for extension has been made in this regard. We have asked Mr. Wolf of Moses and Singer for his consent but have not yet heard back. The government is not involved so its consent shouldn't be required. (I would note, parenthetically, that on October 24, 2014, when your honor directed Mr. Sater's counsel to re-file an OTSC for contempt, your honor declined to impose a deadline on the submission, which was not ultimately presented by Mr. Sater's counsel until March 20, 2015.)

We also ask leave to file one joint memorandum of law and one joint affidavit for all movants and all requests for relief if that turns out to be most practical "packaging," even if as a result it exceeds the nominal 25-page limit because of that consolidation instead of having separate smaller filings. This will likely be so because the constitutional issues underpinning the motion(s) are mutually interconnected.

Thank you,

THE LAW OFFICE OF RICHARD E. LERNER, P.C.

Richard E. Lerner

cc: All counsel via ECF